

## 1130 DELEGATION OF AUTHORITY

**Program: General 01**  
**Confidentiality in Research Data**  
**Issuing Office: OER 435-2686**  
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### Authority Delegated

1. To provide for confidentiality, as necessary, for the purposes of research, surveys, investigations, or the collection of statistical data. All DHHS conducted research involving human subjects (either direct, or by grant, cooperative agreement or fellowships) is subject to the requirement in 45 CFR 46.112(a)(7) that "where appropriate, there are adequate provisions to protect the privacy of subjects and to maintain the confidentiality of data."

To Whom Delegated	Area of Authority
Deputy Director, NIH	NIH
Deputy Director for Intramural Research and Training	NIH
Deputy Director for Extramural Research	NIH
Directors of Bureaus, Institutes, DCRT, CC, FIC, DRR, DRS, DRG	Respective areas

All previous delegations of authority inconsistent with the provisions of this delegation are superseded.

### Limitations

This authority is granted subject to the provisions of the Freedom of Information Act, (FOIA), the Privacy Act and applicable Departmental Regulations concerning the protection of human subjects. Subjects should be given a fair, clear explanation of how information about them will

be used and this use should be respectful of their privacy. Any third party disclosures would be governed by the FOIA and the Privacy Act.

### **Redelegation**

This authority may be redelegated.

### **Citations**

1. 5 U.S.C. 302; 552(b)(6) and 552a(b), (e)(3), (9) and (10); 42 U.S.C. 203, 216, and 241
2. 45 CFR 5, 5b, 46
3. HHS and PHS General Administration Manuals, Part 45
4. Memorandum to the Director, NIH, from the Assistant Secretary for Health, dated June 26, 1981, entitled: Delegation of Authority Under Title III of the PHS Act, as amended
5. Secretary's Reorganization Order of June 29, 1973 (38 FR 18261)
6. Redelegation of Authorities by the Assistant Secretary for Health, June 18, 1973 (38 FR 18261). [Continued by the Secretary, April 18, 1979 (44 FR 23132).]

/s/  
James B. Wyngaarden, M.D.  
Director, NIH

Effective Date: May 31, 1985